

REMARKS/ARGUMENTS

Claims 1-2, 6-15, 17-25, 27-33, and 37-47 are pending in this application, with claims 1, 25, 32, and 43 being the only independent claims. Reconsideration of the application in view of above-identified in view of the above amendments and the following remarks is respectfully requested.

Claim Amendments

Each of the independent claims is amended to recite "said lock-out track having two ends, said entry track and said lock-out track being joined at an intersection between the two ends of said lock-out track". Support for this limitation is found in original claim 16 which is canceled without prejudice or disclaimer.

New claims 44-47 each recite "wherein said third pin position is at one of the ends of said lock-out track, and said pin is movable from said second pin position to the other one of the ends of said lock-out track after said pin enters said lock-out track at said second position, whereby said means for preventing prevents said pin from entering said entry track before said shield reaches a rearmost position of said shield relative to said syringe assembly". Support for these limitations is found in claim 2 and at paragraph 0022 of the application as originally filed.

Claim 12 is amended to address the objections raised by the Examiner.

Claims 10-11 are amended to be consistent with the amendments to independent claim 1.

Objection of the Claims

Claim 12 is objected because of an informality. Claim 12 is amended to address the informality. In view of the amendments, the objection should now be withdrawn.

Rejections of the Claims

Claims 1, 2, 6, 9, 13-18, 23, 25, 32, 33, 37, and 39-43 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,932,940 (Walker).

Claims 1, 18, 20, 21, 24, 25, 27, 29, and 30 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,389,085 (D'Alessio).

Claims 6-12 and 38 stand rejected under 35 U.S.C. §103 as obvious in view of Walker in view of U.S. Patent No. 5,429,612 (Berthier).

Claims 19, 22, 28, and 31 stand rejected under 35 U.S.C. §103 as obvious in view of D'Allesio.

Independent claim 1 is amended to recite "said lock-out track having first and second ends, said entry track and said lock-out track being joined at an intersection between the first and second ends of said lock-out track". This limitation was originally found in claim 16. The Examiner only rejected claim 16 as being anticipated by Walker. However, none of the prior art of record shows an entry track which enters a lock-out track between the ends of the lock-out track.

In Walker, a tubular guard 6 includes slots 28 and 32. The Examiner considers the slot 28 of Walker to be the claimed entry slot and slot 32 of Walker to be the claimed lock-out slot. However, these slots meet at the proximal ends thereof (see, e.g., Fig. 1 and col. 5, lines 26-36 of Walker). Since the slots 28, 32 of Walker meet at

the proximal ends thereof, Walker fails to disclose "said entry track and said lock-out track being joined at an intersection between the two ends of said lock-out track", as expressly recited in independent claim 1. Thus, amended independent claim 1 is not anticipated by Walker.

Furthermore, there is no teaching or suggestion for modifying Walker to achieve the claimed configuration.

Similarly, amended independent claim 1 is also not anticipated by D'Allesio. In contrast, to the present invention, D'Allesio discloses a tubular mount 10 with an entrance slot 22 and a locking ledge 25. A cover 30 is arranged over the mount 10 and has a lug 34 which moves in the slots on the mount 10. However, none of the slots intersect each other at central locations. Rather, the slots are connected end-to-end. Accordingly, D'Allesio also fails to disclose "said entry track and said lock-out track being joined at an intersection between the two ends of said lock-out track", as expressly recited in independent claim 1. Thus, amended independent claim 1 is not anticipated by D'Allesio.

Furthermore, there is no teaching or suggestion for modifying D'Allesio to achieve the claimed configuration.

Berthier discloses a syringe having a needle protector 8 arranged over a cylindrical slideway 7 with a track arrangement having a U-shaped groove 22 with two branches 23, 24 connected by a circumferential groove 25 (see col. 4, lines 35-39 of Berthier). A resilient tongue (i.e., pin) 26 of the needle protector 8 enters the track arrangement and moves along branch 23 against the urgency of a spring 20. Since the branches of the U-shaped groove are connected end-to-end, Berthier also fails to teach

or suggest the limitation "said entry track and said lock-out track being joined at an intersection between the two ends of said lock-out track", as expressly recited in independent claim 1.

In view of the above amendments and remarks, independent claim 1 is allowable over the prior art of record.

Independent claims 25, 32, and 43 include similar limitation to the above-cited limitations of independent claim 1 and are thus allowable for the same reasons as is independent claim 1.

Dependent claims 2, 6-15, 17-24, 27-31, 33, 37-42, and 44-47 are allowable for the same reasons as are independent claims 1, 25, 32, and 43, as well as for the additional recitations contained therein.


Each of the new dependent claims recites "means for preventing (or a blocking element preventing) said shield from moving back to said first position after said shield is moved to said second position, wherein said third pin position is at one of the ends of said lock-out track, and said pin is movable from said second pin position to the other one of the ends of said lock-out track after said pin enters said lock-out track at said second position, whereby said means for preventing prevents said pin from entering said entry track before said shield reaches a rearmost position of said shield relative to said syringe assembly". None of the prior art of record discloses these additional limitations.

In view of the above amendments and remarks, the application is now deemed to be in condition for allowance and notice to that effect is solicited.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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